

GIBSON, DUNN & CRUTCHER LLP  
Orin Snyder (*pro hac vice*)  
osnyder@gibsondunn.com  
200 Park Avenue  
New York, NY 10166-0193  
Telephone: 212.351.4000  
Facsimile: 212.351.4035

Rosemarie T. Ring (SBN 220769)  
rring@gibsondunn.com  
Kristin A. Linsley (SBN 154148)  
klinsley@gibsondunn.com  
Martie Kutscher (SBN 302650)  
mkutscherclark@gibsondunn.com  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-0921  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

*Attorneys for Defendant Facebook, Inc.,*

GIBSON, DUNN & CRUTCHER LLP  
Deborah Stein (SBN 224570)  
dstein@gibsondunn.com  
Heather Richardson  
hrichardson@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

Joshua S. Lipshutz (SBN 242557)  
jlipshutz@gibsondunn.com  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8500  
Facsimile: 202.467.0539

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION,

This document relates to:  
  
ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**AMENDED [PROPOSED] ORDER  
GRANTING PLAINTIFFS'  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIALS SHOULD BE  
SEALED**

**AMENDED [PROPOSED] ORDER**

The Court has considered Facebook, Inc.'s ("Facebook") Amended Statement in Support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Materials Should Be Sealed, which proposes to keep the following documents under seal:

<b>Document</b>	<b>Dkt. No.</b>	<b>Description of Documents Sought to Be Kept Fully Under Seal</b>
Plaintiffs' Ex. 90	988-8	<ul style="list-style-type: none"> <li>An investigative report generated by Facebook's consulting experts during ADI to assist counsel in providing Facebook with legal advice, which the Court previously found good cause to seal.</li> </ul>
Plaintiffs' Ex. 91	988-9	<ul style="list-style-type: none"> <li>An investigative report generated by Facebook's consulting experts during ADI to assist counsel in providing Facebook with legal advice; the Court previously found good cause to seal similar reports.</li> </ul>
Plaintiffs' Ex. 92	988-10	<ul style="list-style-type: none"> <li>An investigative report generated by Facebook's consulting experts during ADI to assist counsel in providing Facebook with legal advice; the Court previously found good cause to seal similar reports.</li> </ul>
Plaintiffs' Ex. 93	988-11	<ul style="list-style-type: none"> <li>An investigative report generated by Facebook's consulting experts during ADI to assist counsel in providing Facebook with legal advice; the Court previously found good cause to seal similar reports.</li> </ul>
Plaintiffs' Ex. 94	988-12	<ul style="list-style-type: none"> <li>An investigative report generated by Facebook's consulting experts during ADI to assist counsel in providing Facebook with legal advice; the Court previously found good cause to seal similar reports.</li> </ul>
Plaintiffs' Ex. 114	988-31	<ul style="list-style-type: none"> <li>Document containing confidential information that the Court previously found good cause to seal.</li> </ul>
Plaintiffs' Ex. 121	988-38	<ul style="list-style-type: none"> <li>Internal Facebook document containing confidential and competitively sensitive information regarding ADI.</li> </ul>
Plaintiffs' Ex. 122	988-39	<ul style="list-style-type: none"> <li>Internal Facebook document containing confidential and competitively sensitive information regarding ADI and about Facebook employees.</li> </ul>
Plaintiffs' Ex. 130	988-47	<ul style="list-style-type: none"> <li>Mediation tracker containing confidential and competitively sensitive information.</li> </ul>
Plaintiffs' Ex. 131	988-48	<ul style="list-style-type: none"> <li>Mediation tracker containing confidential and competitively sensitive information.</li> </ul>
Plaintiffs' Ex. 132	988-49	<ul style="list-style-type: none"> <li>Mediation tracker containing confidential and competitively sensitive information.</li> </ul>
Plaintiffs' Ex. 133	988-50	<ul style="list-style-type: none"> <li>Mediation tracker containing confidential and competitively sensitive information.</li> </ul>
Plaintiffs' Ex. 134	988-51	<ul style="list-style-type: none"> <li>Mediation tracker containing confidential and competitively sensitive information.</li> </ul>

Facebook also proposes to redact limited portions of the following documents:

<b>Document</b>	<b>Dkt. No.</b>	<b>Description of Portions Sought to Be Kept Under Seal</b>
-----------------	-----------------	---

1 2 3 4 5 6 7	Plaintiffs' Supplemental Brief in Support of Sanctions	988-3	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook's proprietary data systems and data storage and processing practices. Br. at i, 12–14, 20.</li> <li>Limited portions that reveal confidential information regarding Facebook's tool for responding to law-enforcement requests for user records. <i>Id.</i> at i, 14–17.</li> <li>Limited portions that reveal confidential information regarding ADI; the Court previously found good cause to seal similar information. <i>Id.</i> at 9–10, 31.</li> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's business programs, strategies, decisions, and partners. <i>Id.</i> at 24, 31–32.</li> </ul>
8 9 10 11 12 13 14	Declaration of Lesley E. Weaver in Support of Plaintiffs' Supplemental Brief in Support of Sanctions	988-6	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook's proprietary data systems and data storage and processing practices. Weaver Decl. at ¶¶ 4, 53.</li> <li>Limited portions that reveal confidential information regarding Facebook's tool for responding to law-enforcement requests for user records. <i>Id.</i> at ¶ 5.</li> <li>Limited portions that reveal confidential information regarding ADI; the Court previously found good cause to seal similar information. <i>Id.</i> at ¶¶ 14–16, 18, 45.</li> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's employees. <i>Id.</i> at ¶ 46.</li> </ul>
15 16 17 18	Plaintiffs' Ex. 95	988-13	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook's tool for responding to law-enforcement requests for user records. Ex. 95 at Tr. at 40:2–6, 8–20, 23–24, 41:6–7, 15–18, 20–25, 42:1–19, 22.</li> <li>Limited portions that reveal confidential information regarding Facebook's proprietary data systems and data storage and processing practices. Ex. 95 at Tr. at 69:11–25.</li> </ul>
19 20 21 22	Plaintiffs' Ex. 96	988-14	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook's proprietary data systems and data storage and processing practices. Ex. 96 at 1–4.</li> <li>Limited portions that reveal confidential information regarding Facebook's tool for responding to law-enforcement requests for user records. <i>Id.</i> at 2–3.</li> </ul>
23 24 25	Plaintiffs' Ex. 97	988-15	<ul style="list-style-type: none"> <li>Confidential information regarding Facebook's tool for responding to law-enforcement requests for user records. Ex. 97 at 1–2; Internal Ex. A.</li> <li>Limited portions that reveal confidential information regarding Facebook's proprietary data systems and data storage and processing practices. <i>Id.</i> at 1, 3.</li> </ul>
26 27 28	Plaintiffs' Ex. 98	988-16	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's business programs, strategies, decisions, and partners. Ex. 98 at Tr. at</li> </ul>

		<p>69:20–22, 25, 70:1–4, 8–23, 88:9–13, 144:25, 145:1–13, 158:14–17.</p> <ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook’s employees. <i>Id.</i> at Tr. at 88:4–6, 9–13.</li> <li>Limited portions that reveal confidential information regarding Facebook’s proprietary data systems and data storage and processing practices. <i>Id.</i> at Tr. at 88:20–21, 23, 89:3, 90:1–2, 11, 14–15, 20, 22, 91:7, 131:2–3, 8, 17, 329:12–25, 330:1–12, 334:6, 335:9, 11–12, 14, 20, 24, 336:2, 8, 337:23–24, 5–7, 12.</li> </ul>
Plaintiffs’ Ex. 102	988-19	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook’s proprietary data systems and data storage and processing practices. Ex. 102 at 1–3.</li> </ul>
Plaintiffs’ Ex. 103	988-20	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook’s proprietary data systems and data storage and processing practices. Ex. 103 at Tr. at 131:24, 132:5–8, 10–11, 25, 133:1–2, 134:20–21, 136:25, 217:1–9, 15–18.</li> </ul>
Plaintiffs’ Ex. 104	988-21	<ul style="list-style-type: none"> <li>Mediation tracker containing confidential and competitively sensitive information. Ex. 104 at Internal Ex. C.</li> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook’s business programs, strategies, decisions, and partners. Ex. 104 at Internal Ex. G at Tr. at 611:1–3, 6–8, 10, 12–15, 19–20, 25, 612:1, 616:18–19, 21–22.</li> <li>Limited portions that reveal confidential information regarding Facebook’s proprietary data systems and data storage and processing practices. Ex. 104 at Internal Ex. H at Tr. at 131:24, 132:5–8, 10–11, 25, 133:1–2, 25, 134:20–21, 136:25; Internal Ex. M at 2.</li> </ul>
Plaintiffs’ Ex. 105	988-22	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook’s business programs, strategies, decisions, and partners. Ex. 105 at Tr. at 266:11–13, 18–20, 268:2–3, 20–23, 269:2–6, 270:1–2, 273:5–8, 14–15, 281:25–282:6.</li> </ul>
Plaintiffs’ Ex. 106	988-23	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook’s business programs, strategies, decisions, and partners. Ex. 106 at Tr. at 92:1–2, 4, 7–12, 20, 22–23, 25, 94:1–9, 13, 19–22, 24–25, 101:15–17, 24, 104:1–4, 25, 105:1–4, 7, 9–10, 24–25, 118:2–3, 9–11, 14, 17–19, 119:2–3, 19–20, 161:1–5, 9–10, 13, 20, 23–25, 163:2–4, 9–11, 13–15, 24–25, 164:1–3, 6–8, 12–15, 21–23, 165:1–3, 8–10, 13–14, 168:15–16, 19–20, 24–25, 169:1, 6–7, 20–21, 23–25, 170:1–5, 7, 14–16, 182:4–12, 19–21, 24–25, 224:2, 4, 11–22, 226:6–7, 11–12, 14, 24–25, 240:3–6, 10–11; Internal Ex. 0007 at 1–3; Internal Ex. 0013 at 1–5.</li> </ul>
Plaintiffs’ Ex. 109	988-26	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook’s business partners. Ex. 109 at 3.</li> </ul>

1 2 3 4 5	Plaintiffs' Ex. 112	988-29	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's employees. Ex. 112 at 1–5.</li> <li>Limited portions that reveal confidential information regarding Facebook's business partners. <i>Id.</i> at 2–7.</li> <li>Limited portions that reveal confidential information regarding Facebook's privacy and platform policy enforcement practices. <i>Id.</i> at 1–2, 4.</li> </ul>
6	Plaintiffs' Ex. 115	988-32	<ul style="list-style-type: none"> <li>Confidential information that the Court previously found good cause to seal. Ex. 115 at 1–5.</li> </ul>
7	Plaintiffs' Ex. 117	988-34	<ul style="list-style-type: none"> <li>Confidential information that the Court previously found good cause to seal. Ex. 117 at 1.</li> </ul>
8 9 10 11	Plaintiffs' Ex. 119	988-36	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's business programs, strategies, decisions, and partners. Ex. 119 at 6.</li> <li>Limited portions that reveal confidential information regarding Facebook's proprietary data systems and data storage and processing practices. <i>Id.</i> at 7.</li> </ul>
12 13 14 15	Plaintiffs' Ex. 123	988-40	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's business programs, strategies, decisions, and partners. Ex. 123 at 1–2, 6, 9, 16–19, 23, 28.</li> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's employees. <i>Id.</i> at 1–37.</li> </ul>
16 17 18	Plaintiffs' Ex. 124	988-41	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's employees. Ex. 124 at 1, 3, 4.</li> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's partners. <i>Id.</i> at 4.</li> </ul>
19 20	Plaintiffs' Ex. 125	988-42	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook's proprietary data systems and data storage and processing practices. Ex. 125 at 3.</li> </ul>
21 22	Plaintiffs' Ex. 129	988-46	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential information regarding Facebook's proprietary data systems and data storage and processing practices. Ex. 129 at 1; internal attachment at 1–28.</li> </ul>
23	Plaintiffs' Ex. 137	988-53	<ul style="list-style-type: none"> <li>Confidential information that the Court previously found good cause to seal. Ex. 137 at 2–6.</li> </ul>
24 25 26 27	Plaintiffs' Ex. 139	988-55	<ul style="list-style-type: none"> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's business programs, strategies, decisions, and partners. Ex. 139 at 1–2.</li> <li>Limited portions that reveal confidential and competitively sensitive information regarding Facebook's employees. <i>Id.</i> at 1.</li> </ul>

Good cause having been shown, Plaintiffs' Administrative Motion To Consider Whether

Another Party's Materials Should Be Sealed is GRANTED. The Court hereby ORDERS:

1. The following exhibits submitted by Plaintiffs shall be permanently sealed:
  - A. Exs. 90–94, 114, 121–122, 130–134.
2. The redacted versions of the following documents shall be filed on the public docket:
  - A. Plaintiffs' Supplemental Brief in Support of Sanctions, attached as Exhibit 2 to the Supplemental Declaration of Deborah Stein in Support of Facebook's Amended Statement in Support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Material Should Be Sealed ("Supplemental Stein Declaration");
  - B. The Declaration of Lesley E. Weaver in Support of Plaintiffs' Supplemental Brief in Support of Sanctions, attached as Exhibit 4 to the Supplemental Stein Declaration;
  - C. Plaintiffs' Exhibits 95–97-B, 105-B, 106-B, 109-B, 115-B, 117-B, and 137-B, previously filed at Dkt. 991-5 to 991-13; and
  - D. Plaintiffs' Exhibits 98, 102–104, 112, 119, 123–125, 129, and 139, attached with the same numbering and "-B" to the Supplemental Stein Declaration.
3. The unredacted versions of the following documents shall be sealed permanently:
  - A. Plaintiffs' Supplemental Brief in Support of Sanctions, attached as Exhibit 1 to the Supplemental Stein Declaration;
  - B. The Declaration of Lesley E. Weaver in Support of Plaintiffs' Supplemental Brief in Support of Sanctions, attached as Exhibit 3 to the Supplemental Stein Declaration;
  - C. Plaintiffs' Exhibits 95–97-A, 105-A, 106-A, 109-A, 115-A, 117-A, 137-A, previously filed at Dkt. 992-3 to 992-11; and
  - D. Plaintiffs' Exhibits 98, 102–104, 112, 119, 123–125, 129, and 139, attached with the same numbering and "-A" to the Supplemental Stein Declaration

**IT IS SO ORDERED.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
VINCE CHHABRIA  
United States District Judge